



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

Via Electronic Mail To:
kthiara@acetronic.com

Docket No. F-02-2020-5009

Kim Thiara
Acetronic Industrial Controls
7015 Ordan Drive, Units 6-8
Mississauga, ON, Canada L5T 1Y2

Re: NOTICE OF REFUSAL OF ADMISSION
Import of Ultra-Lyte Sanitizer, Entry No. MU3-37375479

Dear Ms. Thiara:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or the Act), as amended, 7 U.S.C. § 136, et seq., the United States Environmental Protection Agency – Region 2 ("EPA" or the "Region") has examined samples or other evidence with respect to the following shipment:

Product Name: Ultra-Lyte Food Processing RTU Sanitizer
EPA Reg. No.: 86854-1
EPA Establishment No.: 87148-CAN-1
Importer: Acetronic Industrial Controls
Consignee: Sup-R-Die LLC
Bill Number: SYVT1092598
Entry Number: MU3-37375479
Entry Date: 04/07/20
Entry File Date: 004/07/20
Port of Entry: 0901 – Buffalo-Niagara Falls
Origin: Canada
Amount: 1000 pounds

You were previously notified via a Notice of Detention and Hearing, dated April 14, 2020, that the above-referenced products appear to be out of compliance with the Act and therefore subject to refusal of admission. The April 14, 2020 Notice further afforded you an opportunity to explain why the shipment should not be destroyed or refused entry. No material demonstrating that the products are in

compliance with the Act and eligible for entry has been submitted to EPA. On April 16, 2020, you sent an email to Michael Brannick of my staff which designated Raymond Junghans of RJ Chemicals as the point of contact for this matter. In discussions with Mr. Junghans, it was confirmed that the pesticides do not bear the label accepted by EPA. Additionally, it was discovered that the formulation of the imported pesticides does not match the formulation for EPA registration number 86854-1. Therefore, the products are not registered under FIFRA § 3(a), 7 U.S.C. § 136a(a) and are in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A). Mr. Junghans indicated the products would be returned to Canada.

EPA therefore hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection (CBP) and within ninety (90) calendar days from the date of this Notice or within such additional time as EPA or the District Director of CBP specifies, or dispose of the products. Failure to do so may result in either the destruction of the merchandise as authorized by the Act, or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

EPA acknowledges that the COVID-19 pandemic may be impacting your business. If that is the case, we will consider your specific circumstances in determining an appropriate timeline for responding to this order, while still ensuring that the Agency receives the information it needs to timely confirm your company's compliance with FIFRA.

If you have any questions, please contact Michael Brannick at 732-321-4349 or brannick.michael@epa.gov.

Sincerely,

for Dore LaPosta, Director
Enforcement & Compliance Assurance Division

cc: Sup-R-Die LLC (jwells@suprdie.com)
Raymond Junghans, RJ Chemicals (ray.rjchemicals@gmail.com)
Courtney Hauser, Buckland (cphauser@buckland.com)
U.S. Customs and Border Protection at Buffalo/Niagara Falls (buffaloacedesk@cbp.dhs.gov)